

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

THE MARSHALL COUNTY COAL  
COMPANY, THE MARION COUNTY  
COAL COMPANY, THE HARRISON  
COUNTY COAL COMPANY, THE OHIO  
COUNTY COAL COMPANY, MURRAY  
ENERGY CORPORATION, and ROBERT  
E. MURRAY,

Plaintiffs,

v.

JOHN OLIVER, CHARLES WILSON,  
PARTIALLY IMPORTANT  
PRODUCTIONS, LLC, HOME BOX  
OFFICE, INC., TIME WARNER INC., AND  
DOES 1 through 10,

Defendants.

Civil Action No: 17-cv-00099

Hon. John P. Bailey

**MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE**

The American Civil Liberties Union of West Virginia Foundation respectfully moves this Court for leave to file the attached Proposed Brief Amicus Curiae on Behalf of the American Civil Liberties Union of West Virginia Foundation due to the interest the organization has in the social, legal, and public policy implications generated by this decision. The American Civil Liberties Union of West Virginia Foundation (“ACLU-WV”) is a nonprofit, nonpartisan organization dedicated to the principles of liberty and equality embodied in the United States Constitution, the West Virginia Constitution, and our nation’s civil rights laws. The ACLU-WV has long been dedicated to protecting the freedom of speech enshrined in the First Amendment to the United States Constitution and Article III, Section 7 of the West Virginia Constitution. The ACLU-WV is requesting permission to file this brief in accordance with Federal Rule of Civil

Procedure 29(a). This brief was authored by staff counsel for the ACLU-WV and no party, party's counsel, or other person authored any parts of the brief or contributed money intended to fund preparing or submitting the brief.

Dated: August 1, 2017

Respectfully submitted,

/s/ Jamie Lynn Crofts  
Jamie Lynn Crofts  
West Virginia Bar No. 12730  
ACLU of West Virginia Foundation  
P.O. Box 3952  
Charleston, WV 25339-3952  
(304) 345-9246, ext. 102 /  
(304) 345-0207 (f)  
jcrofts@acluwv.org

*Counsel for ACLU-WV*

**CERTIFICATE OF SERVICE**

I, Jamie Lynn Crofts, do hereby certify that on August 1, 2017, I electronically filed a true and exact copy of this MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE with the Clerk of Court using the CM/ECF System, with copies provided to:

David L. Delk , Jr.  
Grove & Delk, PLLC  
44 1/2 15th Street  
Wheeling, WV 26003  
[ddelk@grovedelklaw.com](mailto:ddelk@grovedelklaw.com)

Jeffrey A. Grove  
Grove & Delk, PLLC  
44 1/2 15th Street  
Wheeling, WV 26003  
[jgrove@grovedelklaw.com](mailto:jgrove@grovedelklaw.com)

Clayton J Fitzsimmons  
Fitzsimmons Law Firm, PLLC  
1609 Warwood Ave  
Wheeling, WV 26003  
[clayton@fitzsimmonsfirm.com](mailto:clayton@fitzsimmonsfirm.com)

Holly Suzanne Planinsic  
Herndon, Morton, Herndon & Yaeger  
83 Edington Lane  
Wheeling, WV 26003  
[hplaninsic@hmhy.com](mailto:hplaninsic@hmhy.com)

Robert P. Fitzsimmons  
Fitzsimmons Law Firm, PLLC  
1609 Warwood Ave  
Wheeling, WV 26003  
[bob@fitzsimmonsfirm.com](mailto:bob@fitzsimmonsfirm.com)

/s/ Jamie Lynn Crofts  
Jamie Lynn Crofts  
West Virginia Bar No. 12730  
ACLU of West Virginia Foundation  
P.O. Box 3952  
Charleston, WV 25339-3952  
(304) 345-9246, ext. 102 /